

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA

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SIERRA NEVADA FOREST PROTECTION  
CAMPAIGN, CENTER FOR BIOLOGICAL  
DIVERSITY, NATURAL RESOURCES  
DEFENSE COUNCIL, SIERRA CLUB,  
and THE WILDERNESS SOCIETY,  
non-profit organizations,

No. CIV-S-05-0205 MCE GGH

CIV-S-05-0211 MCE GGH

CIV-S-05-0905 MCE GGH

CIV-S-05-0953 MCE GGH

(Related Cases)

Plaintiffs,

v.

**ORDER RE: BRIEFING SCHEDULE**

MARK REY, in his official  
capacity as Under Secretary of  
Agriculture, DALE BOSWORTH, in  
his official capacity as Chief  
of the United States Forest  
Service, JACK BLACKWELL, in his  
official capacity as Regional  
Forester, Region 5, United  
States Forest Service, and  
JAMES M. PEÑA, in his official  
capacity as Forest Supervisor,  
Plumas National Forest,

Defendants.

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and Related Cases.

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1 The Court has reviewed the proposed briefing schedules  
2 submitted by counsel in these related cases. Originally, by  
3 Joint Status Report filed August 15, 2005, an overall schedule  
4 was suggested for submitting cross-motions for summary judgment  
5 in all four lawsuits, which the parties claim will be dispositive  
6 of the issues raised therein. On or about September 7, 2005,  
7 however, counsel for the Plaintiff in Pacific Rivers Council v.  
8 United States Forest Service, et al., Case No. CIV. S-05-0953 MCE  
9 GGH, withdrew from that briefing schedule and proposed a new, and  
10 somewhat delayed, timeline for presentation of briefs in that  
11 case.

12 Pursuant to both proposed schedules, Plaintiffs' Motions for  
13 Summary Judgment in all four cases have now been submitted. In  
14 the August 15, 2005 Joint Status Report, all parties requested  
15 waiver of the requirement, under Local Rule 56-260(a), that a  
16 separate statement of undisputed facts be presented in supported  
17 of each summary judgment request, and that a response to that  
18 statement be filed in opposition under Rule 56-260(b). In  
19 reliance on that request, the summary judgment motions filed by  
20 Plaintiffs in California Forestry Association v. Bosworth, et  
21 al., Case No. CIV. S-05-0905 MCE GGH, Sierra Nevada Forest  
22 Protection Campaign v. Rey, Case No. CIV. S-05-0205 MCE GGH, and  
23 Pacific Rivers Council v. United States Forest Service, et al.,  
24 supra, fail to include a separate statement of undisputed facts.

25 The Court declines to waive presentation of a separate  
26 statement of undisputed facts in support of, and in opposition  
27 to, the motions for summary judgment in these related cases. The  
28 Court believes that those statements will be of assistance in

1 analyzing the administrative record and in ultimately deciding  
2 the issues raised by the parties herein. The briefing schedule  
3 set forth below has extended the period within which Plaintiffs  
4 may submit their initial motions so that they may provide the  
5 required statements.

6 In addition, the Court believes that combined briefing, as  
7 also requested by the parties, will make it more difficult to  
8 identify and address the issues raised by each discrete briefing  
9 submitted by the various parties to these cases. Consequently,  
10 papers in support of, or in opposition to, each motion filed in  
11 accordance with the schedule set forth below will be filed  
12 separately and identified specifically as to its contents.

13 In view of the number of intervenors in this case, the Court  
14 grants the requested modification of the page limits established  
15 in its June 16, 2005 Order in order to give both Plaintiffs and  
16 Defendants the opportunity to respond, in a separate pleading of  
17 not more than twenty-five (25) pages, to the intervenors' briefs.

18 The following briefing schedule will apply:  
19

20 November 14, 2005 Plaintiffs file all papers in support of  
21 their motions for summary judgment,  
22 including statements of undisputed fact.  
23 Each memorandum of points and  
authorities shall not exceed 50 pages,  
plus supporting papers.

24 December 16, 2005 Federal Defendants file their opposition  
25 to Plaintiffs' motions for summary  
26 judgment, each brief not exceeding 35  
pages, plus supporting papers.

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December 16, 2005 Federal Defendants file their cross-motions for summary judgment, including statements of undisputed fact. Each memorandum of points and authorities shall not exceed 50 pages, plus supporting papers.

January 6, 2006 Defendant-Intervenors may file their briefs, each brief not to exceed 20 pages, plus supporting papers.

February 17, 2006 Plaintiffs file their opposition to Federal Defendants' cross-motions for summary judgment, each brief not to exceed 30 pages, plus supporting papers.

February 17, 2006 Plaintiffs file their reply in support of their motions for summary judgment, each brief not to exceed 10 pages, plus supporting papers.

February 17, 2006 Plaintiffs may respond to briefs submitted by Defendant-Intervenors, each response not to exceed 25 pages, plus supporting papers.

March 17, 2006 Federal Defendants file their reply in support of their cross-motions for summary judgment, each brief not to exceed 10 pages, plus supporting papers.

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1 March 17, 2006

Federal Defendants may respond to briefs  
submitted by Defendant-Intervenors, each  
response not to exceed 25 pages, plus  
supporting papers.

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4 Oral argument, if deemed necessary by the Court, will be  
5 scheduled following the conclusion of the briefing schedule  
6 outlined above.

7 IT IS SO ORDERED.

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9 DATED: October 26, 2005

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13 MORRISON C. ENGLAND, JR.  
14 UNITED STATES DISTRICT JUDGE  
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